



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 12 2009

Mr. Ron Hull
Central Appalachia Mining, LLC
265 Hambley Boulevard
Pikeville, Kentucky 41501

Dear Mr. Hull:


This letter is provided to Central Appalachia Mining, LLC (CAM) as a follow-up to the previous letter dated May 13, 2009, concerning the proposed Big Branch coal mine project (DA # 2004-1400; KDMRE # 898-0610) in Pike County, Kentucky. The previous correspondence sent by my staff allowed CAM a 30-day extension intended to allow the company time to provide additional information and address concerns raised by the U.S. Environmental Protection Agency (EPA) in the Clean Water Act (CWA) Section 404(c) letter dated April 28, 2009. You have previously indicated that CAM is willing to meet with EPA and discuss corrective actions that will address EPA's concerns regarding the potential for unacceptable adverse effects to aquatic resources arising from the proposal.

Since our last correspondence, CAM has provided EPA with additional information and EPA has conducted field studies to independently verify site conditions and jurisdictional determinations within the proposed project boundaries. On June 2 and 3, 2009, a 10-person team led by EPA regional personnel, spent time on-site in Pike County to fully assess the condition of the aquatic resources that will be affected by the proposed project. Additionally, EPA has conducted a thorough review of the Big Branch mining plan, specifically the volume and placement of fill material within the project boundaries. As we noted during our June 11, 2009, conference call with you and the U.S. Army Corps of Engineers – Huntington District representatives, we will provide detailed reports of EPA's findings to CAM and the Corps upon their completion no later than July 6, 2009.

Therefore, to balance our regulatory responsibility with respect to the timeframes set out in the regulations with the need to fully consider and discuss the new information brought about by our recent project site visit, the information you provided to us, our discussions on June 11, 2009, and the analysis of the mining plan, we have determined that extending the timeframe, in accordance with 40 CFR Part 231, for twenty (20) days beyond July 6 to July 27, 2009, is appropriate. In addition, we will be contacting you to set up a meeting, here in Atlanta, to further discuss the corrective actions needed to address our concerns once you have had an opportunity to review the final reports, but no later than July 21, 2009.

I appreciate your cooperation during this process. I look forward to the opportunity to meet with you to discuss our findings and concerns. If you should have any questions, please contact Tom Welborn, EPA Region 4 Branch Chief of the Wetlands, Coastal and Oceans Branch, at (404) 562-9354.

Sincerely,



A. Stanley Meiburg
Acting Regional Administrator

cc: Colonel Dana R. Hurst, District Engineer
Huntington District
U.S. Army Corps of Engineers
Huntington, West Virginia 25701-2070